IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

CRP.No. 1138 of 2004()

AGAINST THE ORDER DATED 03/09/2004 IN IA. 4409 /2004 IN OS.1261/2003 of I ADDL.M.C.,ERNAKULAM

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REVN. PETITIONER: PETITIONER

SILK AIR LTD., GSA, AVIATION TRAVELS,
M.G.ROAD, KOCHI.

BY ADV. SRI.ANTONY DOMINIC
SRI.A.M.SHAFFIQUE

RESPONDENTS: RESPONDENTS

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1. M/S. UNITED INDIA INSURANCE CO.LTD.,
DIVISIONAL OFFICE, M.G.ROAD, COCHIN.

2. SHIP REPAIR DIVISION, COCHIN SHIPYRD LTD
COCHIN 682 015.

3. GEOLOGISTICS LTD., K.P.K. MENON ROAD,
WILLINGDON ISLAND, COCHIN 682 003.

BY ADV. SRI.M.S.PATTALI
SRI.K.J.KURIACHAN
SRI.V.B.JINNAH

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. NO.2764/2004 IN CRP NO.1138/2004

DISMISSED

2.7.2007 SD/- PIUS C.KURIAKOSE, JUDGE

/TRUE COPY/

PIUS C. KURIAKOSE, J.

C.R.P. NO. 1138 OF 2004

Dated this the 2nd day of July, 2007

O R D E R

The learned counsel for the respondents fairly conceded before me that the issue in this case is covered by the decision of the Supreme Court in **Kailash v. Nanhku (2005 (2) KLT 623 (SC).** The written statement which was filed by the petitioner was not received on file by the learned Munsiff on the reason that the same was beyond the period of 90 days of receiving the summons. Since the issue is covered by the judgment of the Supreme Court in Kailash's case (supra) against the respondents, the impugned order is set aside and the learned Munsiff is directed to receive the written statement filed by the petitioner on file, formulate the issues on the basis of the conditions therein and dispose of the suit in accordance with the law.

The Civil Revision Petition is allowed as above.

PIUS C. KURIAKOSE,

JUDGE.

dpk